

### **REMARKS/ARGUMENTS**

This case has been reviewed and analyzed in view of the Official Action dated 15 December 2004. Responsive to the rejections made by the Examiner in the outstanding Official Action, Claim 1 has been amended to clarify the combination of elements that forms the invention of the subject Patent Application and the language thereof. Claims 7 and 8 have been amended to correct the dependency and/or language thereof and Claims 2-6 are cancelled.

In the Official action, the Examiner has objected to the Disclosure due to several informalities therein. The Specification has been amended to correct those informalities kindly noted by the Examiner as well as a number of grammatical, idiomatic and translational errors found therein. As the entire Specification has been amended, a clean copy of the amended Specification (Substitute Specification) is attached to this Amendment in compliance with 37 C.F.R. § 1.125. The clean copy of the Specification includes the same changes as are indicated in the marked-up copy of the original Specification. It is believed that the subject matter disclosed by the Substitute Specification was previously disclosed in the Specification and Claims, as filed, and the accompanying drawing figures. No new matter has been added by these changes.

In the Official action, the Examiner objected to the Claims due to grammatical errors, and functional or operational language therein. Further, the Examiner rejected Claim 1 under 35 U.S.C. § 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1, 7 and 8 have now been amended to correct the language thereof. Thus, it is believed that Claims 1, 7 and 8 overcome the Examiner objection and now satisfy the requirements of 35 U.S.C. § 112, second paragraph.

In the Official Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Olson, Patent #1,017,991.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a night vision device to mark the location of a front sight. The device includes a casing, the casing including a tube having opposing first and second ends and a switch set disposed at the first end of the tube. The device includes a power source disposed in the tube and a light emission device disposed at the first end of the tube. The switch set controls electrical coupling of the light emission device to the power source. The night vision device further includes an optical fiber light conductor having one end disposed at the front sight and an opposing end coupled to a front end of the light emission device to conduct the light emitted by the light emission device to the front sight. Additionally, the device includes a protection tube through which the optical fiber light conductor extends. The

protection tube includes a flexible section connected to a rigid section. The flexible section is coupled to the light emission device.

In contradistinction, the Olson reference is directed to a sight illuminating attachment wherein the tubular casing including a battery and switch set is mounted in proximity to the front sight. A lamp 10 is electrically coupled to the power source by the switch set. The lamp is overlaid by a removable cap 28 having a funnel-shaped tube 29 extending therefrom and in open communication with the interior of the cap for directing the light rays 30 to the gun sight 31. However, nowhere does the reference disclose or suggest coupling the light source to an optical fiber light conductor, as provided by the invention of the subject Patent Application. The use of an optical fiber light conductor allows the casing to be located remotely from the distal end of the weapon, allowing the weapon to be more easily balanced in a user's hands. Still further, the reference neither discloses nor suggests an optical fiber which extends through a protection tube, the protection tube having a flexible section coupled to the light emission device and a rigid section coupled to the flexible section.

Therefore, as the reference fails to disclose each and everyone of the elements of the invention of the subject Patent Application, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, it cannot make obvious that invention either.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE



David I. Klein  
Registration #33,253

Dated: 13 June 2005

ROSENBERG, KLEIN & LEE  
Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
(410) 465-6678

Customer No.  
04586